

ZAPATA vs. MARTINEZ, et al.  
1:21-cv-00083-MV-JFR

Susie Zapata  
March 30, 2022

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SUSIE ZAPATA AND MONICA GARCIA,

Plaintiffs,

v.

Case 1:21-cv-00083-MV-JFR

LEON MARTINEZ, ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BERLEEN ESTEVAN,  
and SUMMER FOOD SERVICE, LLC,

Defendants.

**DEPOSITION OF SUSIE ZAPATA**

**March 30, 2022**  
9:30 a.m.

All Participants Appeared Through Zoon Videoconference

The Deponent Was Located at:  
The Law Offices of NM Prison & Jail Project  
3800 Osuna Road, NE, Suite 2  
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE,  
this deposition was:

TAKEN BY: LISA ENTRESS PULLEN, ESQ.  
ATTORNEY FOR DEFENDANTS BERLEEN ESTEVAN  
AND SUMMIT FOOD SERVICE

REPORTED BY: TANYA M. NIMS, RPR, NM CCR #168  
WILLIAMS & ASSOCIATES COURT REPORTING, LLC  
317 Commercial Street, Northeast  
Suite G-101  
Albuquerque, New Mexico 87102

**Exhibit E**

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<p style="text-align: right;">Page 70</p> <p>1 metal tables. Yeah.</p> <p>2 Q. When you identified that there was mouse feces</p> <p>3 there, did you take any action?</p> <p>4 A. Yeah. We had to clean it. So, yeah. We would</p> <p>5 have to clean it.</p> <p>6 Q. So if you're -- if you as a floater your duties</p> <p>7 are changing, did you interact with food trays regardless</p> <p>8 of what your assigned duties were for that day?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Did you have any training on cleaning at any</p> <p>11 point?</p> <p>12 A. No, ma'am. Training?</p> <p>13 Q. Yes.</p> <p>14 A. No, ma'am.</p> <p>15 Q. I understand there's a -- some kind of</p> <p>16 certification for hazardous waste as part of your cleaning</p> <p>17 duties as pod porter and the other duties that you had at</p> <p>18 Western. Did you have any training about cleaning</p> <p>19 materials like that, hazardous materials?</p> <p>20 A. Not that I can remember. I mean, the only thing</p> <p>21 that I remember was the orientation I spoke to you</p> <p>22 previously about with the packet. But not that I can</p> <p>23 recall, no. No training for specific cleaning, no.</p> <p>24 Q. So even though you're sweeping and mopping and</p> <p>25 cleaning toilets, there wasn't any kind of training about</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Cleaning in general or cleaning the rodent feces?</p> <p>2 Q. Well, let's break it down. Talked with an</p> <p>3 officer in general about cleaning?</p> <p>4 A. Not an officer or -- no. I mean, cleaning was</p> <p>5 part of our duties. So I didn't speak to anybody about</p> <p>6 it, you know. I didn't speak to anybody about cleaning.</p> <p>7 Q. Did you talk with any officer about -- assigned</p> <p>8 to oversee inmates in the kitchen about cleaning after the</p> <p>9 mice?</p> <p>10 A. Officer.... Not cleaning up after the mice. I</p> <p>11 did speak to Mr. Sanchez about, you know, if they were</p> <p>12 going to fix the problem so we could stop having to clean</p> <p>13 after them, yes.</p> <p>14 Q. When was this conversation? Was this Art</p> <p>15 Sanchez?</p> <p>16 A. Yes.</p> <p>17 Q. And when was the conversation with Art Sanchez,</p> <p>18 the officer, about fixing the problem to stop cleaning up</p> <p>19 after mice?</p> <p>20 A. I don't have a direct day or time. Mr. Sanchez</p> <p>21 went in and out of there quite a lot. I do remember</p> <p>22 bringing up the subject of, you know, what are you guys</p> <p>23 doing about the rodent problem?</p> <p>24 You know, like this is ridiculous. You know, we</p> <p>25 are tired of having to kill them and clean them. And, you</p>
<p style="text-align: right;">Page 71</p> <p>1 sanitary methods?</p> <p>2 A. Not that I can recall, ma'am, no.</p> <p>3 Q. Okay. And the orientation packet was the one we</p> <p>4 talked about when you started your work in the kitchen at</p> <p>5 Western?</p> <p>6 A. Yes, ma'am. And I didn't do the orientation</p> <p>7 right away. It took a couple months for us to go to do</p> <p>8 the orientation.</p> <p>9 Q. Did you need instruction on cleaning before the</p> <p>10 orientation?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. So despite your experience at CCA and as a pod</p> <p>13 porter, you believe you needed further instruction on</p> <p>14 cleaning?</p> <p>15 A. I don't believe I needed further instruction. I</p> <p>16 know how to clean. But, you know, the thing is the staff</p> <p>17 have authority over us. If they tell us to do something,</p> <p>18 we're supposed to do it.</p> <p>19 And if we don't, there's consequences to suffer</p> <p>20 from that. So if she says clean it or kill it, that's</p> <p>21 something that we have to do.</p> <p>22 Q. Did you ever talk with any officer assigned to</p> <p>23 oversee inmates working in the kitchen about cleaning?</p> <p>24 A. About cleaning?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 know, he kind of said, "Well, we are taking care of it."</p> <p>2 There's the mouse traps." And that was that.</p> <p>3 Q. So one time that you recall speaking with Art</p> <p>4 Sanchez, the officer, about the subject?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Any other officer that you spoke with about</p> <p>7 cleaning or cleaning after mice?</p> <p>8 A. I know Sergeant Gonzales. I have spoken to him</p> <p>9 about, you know, it being gross in there. You know, why</p> <p>10 can't, you know, anybody do something about the problem.</p> <p>11 Like, you know, we're tired of cleaning up after it.</p> <p>12 And it's -- it's constantly in our food, in our</p> <p>13 food trays. And, you know, it's -- you know. He</p> <p>14 basically said like, you know, that nobody hasn't done</p> <p>15 anything in a while there, so. He basically left it at</p> <p>16 that.</p> <p>17 You know, when you -- when you're upset about the</p> <p>18 situation and you're bringing it to a staff member and</p> <p>19 they basically shrug it off and you're taking it as like,</p> <p>20 okay, well, they are not taking it seriously. I'm talking</p> <p>21 to the wrong person. You know, I'm not going to bring it</p> <p>22 up again for them to do the same thing to my face, you</p> <p>23 know.</p> <p>24 It's irritating and very rude. So I didn't bring</p> <p>25 it up to anybody else.</p>

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<p style="text-align: right;">Page 118</p> <p>1 time, and I know Ms. Moulton has questions. I may have a      2 few more for you, Ms. Zapata, but I'd like to turn you to      3 Ms. Moulton right now. And like I said, I may have a few      4 other questions at the end. Thank you very much.</p> <p>5 THE DEPONENT: Thank you.</p> <p>6 EXAMINATION</p> <p>7 BY MS. MOULTON:</p> <p>8 Q. Good afternoon. I have lots of questions. But      9 one of the first things I want to do, Ms. Zapata, is to      10 talk to you about when you arrived at Springer and when      11 you arrived at Western.</p> <p>12 My records indicate that according to dates of      13 receipt that are in your inmate file, that you arrived at      14 Springer on February 14th of 2017. Does that sound      15 correct to you?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. And then that you arrived at Western on      18 May 25th of 2017. Does that sound correct?</p> <p>19 A. Yes, it sounds -- it sounds correct.</p> <p>20 Q. Okay. And then, finally, the medical records --      21 or the records from Healthcare for the Homeless indicate      22 that you checked back in with them after having been      23 incarcerated at Western on 12 of 2019, specifically on      24 December 19th, 2019.</p> <p>25 You had originally said that you were</p>	<p style="text-align: right;">Page 120</p> <p>1 other than Monica?</p> <p>2 A. My children.</p> <p>3 Q. All three of your children?</p> <p>4 A. No. Just my -- my boys. That would be Eduardo      5 Junior Contreras and Elias Contreras.</p> <p>6 Q. And how long have they actually lived with you?</p> <p>7 A. Eduardo has been with me for over a year now.      8 And Elias just moved back with me I want to say the end of      9 February.</p> <p>10 Q. And where -- had they been with your step-sister      11 before that?</p> <p>12 A. No. They were with my aunt in Washington at the      13 time.</p> <p>14 MS. MOULTON: Okay. All right. I want to go to      15 your answers to NMCD's discovery, so we can make it      16 worthwhile for Mr. Allen having printed those out for us      17 to look at. Thank you, Mr. Allen.</p> <p>18 MR. ALLEN: You're welcome.</p> <p>19 Q. (By Ms. Moulton) If you could please go to      20 page 4, bottom of page 4. I asked you about other      21 lawsuits that you've had. And you talked in the top of      22 page 5 about a landlord-tenant dispute. What was that      23 about?</p> <p>24 A. I was out on probation. And I believe this was      25 like around 2015, '16. I was renting an apartment. And I</p>
<p style="text-align: right;">Page 119</p> <p>1 incarcerated until 2020. But that's not correct; is it?</p> <p>2 A. No, No.</p> <p>3 Q. You got out in December of 2019?</p> <p>4 A. Yeah.</p> <p>5 Q. Is that right?</p> <p>6 A. Yeah.</p> <p>7 Q. Yeah. Okay. And you started -- I don't know      8 exactly when you got out. But it looks like you checked      9 back in with Healthcare for the Homeless, like I said, on      10 December 19th of 2019.</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And shortly after that you started seeing      13 Mr. Porter again.</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And it indicates, seems to suggest in looking at      16 your records that the last date you saw Mr. Porter was in      17 August of '21. Is that correct? Have you seen -- have      18 you been seeing someone other than Mr. Porter since that      19 time or?</p> <p>20 A. No. I've only seen Mr. Porter. So that might be      21 accurate.</p> <p>22 Q. Okay. And where did Mr. Porter go?</p> <p>23 A. I don't know the name of the organization. I      24 just know he left to a different organization.</p> <p>25 Q. Okay. All right. Who resides with you currently</p>	<p style="text-align: right;">Page 121</p> <p>1 ended up violating, and they sent me back to prison. So I      2 wasn't there to explain to them that I went back to jail      3 or anything.</p> <p>4 So I lost the apartment. And I know I had owed      5 them I think the month's rent. So I think that's why they      6 were trying to dispute with me that in court. But I was      7 incarcerated, so they couldn't.</p> <p>8 Q. Okay. All right. The thing that's confusing      9 about what you just said is that this is listed as 2008.</p> <p>10 A. Oh, wow. Okay.</p> <p>11 Q. So was there some other landlord-tenant dispute      12 in 2008?</p> <p>13 A. Yes, there was.</p> <p>14 Q. What was that?</p> <p>15 A. I lost my apartment. Unfortunately, the person      16 that I was with at the time, I was giving them the money      17 to pay the rent. And instead of paying the rent, they      18 were getting -- they were abusing drugs.</p> <p>19 So I came home from work to find an eviction      20 notice on my door. And I had to move out. So what they      21 wanted was the money that I owed them for rent. That's      22 why I left there.</p> <p>23 Q. And then in continuing down there, in 2016, drug      24 trafficking, criminal charges were dismissed but there was      25 an accompanying parole violation. Tell me about that drug</p>